

MINUTES  
BROOKHAVEN BOROUGH COUNCIL WORKSHOP MEETING  
MONDAY, AUGUST 27, 2018

At 7:00 PM Council President Vawn Donaway called the regularly scheduled Workshop Session of Brookhaven Borough Council to Order. Mr. Donaway led in the Pledge of Allegiance to the American Flag.

The record shows the meeting was held in Council Chambers at the Brookhaven Municipal Center, 2 Cambridge Road, Brookhaven, PA 19015 and the following people were seated at the Council Table. Councilpersons Mr. Donaway, Ms. Sawicki, Mr. Heller, Mr. LaPera, Mrs. Fooks, Ms. Leslie, Mr. Pappas, Mayor Hess, Borough Engineer Mrs. Mulvena and Solicitor Mr. Stone. *(Mrs. Joan Boyle, Brookhaven Planning Commission Secretary, recorded the minutes for Mrs. McKinley in her absence).*

THE KNABB PARTNERSHIP – SEEKING SITE PLAN APPROVAL – RADIO PARK LANE – BROOKHAVEN ESTATES

Mr. Ronald Knabb, from The Knabb Partnership, was present at the meeting to give a presentation of his project. Mr. Knabb said that he was before Brookhaven Council a few years ago about this project and at that time he was both the designer and the architect. He said that they had a difficult time getting approval by Brookhaven Council but they did get approval. Mr. Knabb distributed plans to the Council members, which showed the series of steps of the project. The site is zoned for 84 homes, three stories high and will have 12 buildings. Mr. Knabb said that they had received conditional use approval from Brookhaven Planning Commission and Delaware County Planning Commission previously. Mr. Knabb said that as time went by, the builder did not meet his requirements and didn't do the things he was supposed to do. As a result, Mr. Knabb is now the architect and the owner of the site. Mr. Knabb said that they would now like to proceed with the Project exactly as it was approved in 2009. Mr. Knabb has taken these plans to the Delaware County Planning Commission and Mr. Knabb received a response from them stating that they feel there is "no sunset" on this. Mr. Knabb said that they have the right to proceed but he wants input from Brookhaven Council. Mr. Knabb said there would be upgrades from the original plans. Mr. Donaway asked about the upgrades. Mr. Knabb said they are materials used and the like. Mr. Knabb then distributed the plans and drawings of the site. Mr. Knabb said that they now have a high-end builder for the project. Mayor Hess asked Mr. Knabb if he was seeking approval this evening for the plans that were presented in 2009. Mr. Knabb said that he was. Mrs. Fooks asked about the parking lot at the Faith Community Church. Mr. Knabb said that the original owner bought the property from the Church. There were easements involved, which involved access to the road that comes into the Church. Mr. Donaway asked Mr. Knabb if there is access from the Church parking lot into the project. Mr. Knabb said that there is a loop there on the Church that goes onto the road.

Mr. Donaway asked if there is access to Edgmont Avenue; Mr. Knabb said that they tie into Edgmont Avenue and Radio Park Lane.

Solicitor Stone said that he wanted to make a disclosure that Faith Community Church is his church and he is a congregant there. He said that where the Gym is located in the back, there is a loop located there that everyone uses to drop off their children to the Gym. Solicitor Stone said that his concern was that the loop was gone from the previous plans because of the way the retention basin is set up. Solicitor Stone said that the parking lot is back on the plans presented tonight. Mr. Knabb said that he was not aware of those previous plans that Solicitor Stone was mentioning. Solicitor Stone showed Mr. Knabb the area in question and there was discussion about it. Mr. Knabb then said that the Church could expand in the future if they so wished. Mr. Knabb said that they have had no discussions with the Church but he said it would be appropriate to sit down with the members of the Church to discuss what they have in mind.

Mr. Knabb said he has been in business for a long time. Solicitor Stone asked how the property was acquired. Mr. Knabb said it went through Court arbitration and then went to Sheriff Sale. Mr. Knabb was able to acquire it at the Sheriff's Sale. Solicitor Stone asked Mr. Knabb if he knew what year the litigation started; Mr. Knabb said that he didn't know. Solicitor Stone said that it is true that there is no "sunset" on the plans but the problem is that there is no free pass on Ordinance changes. Solicitor Stone said that if the Ordinance is changed after the plans are approved but before building begins; the free pass for changed Ordinances expires after five years. The issue now is that any Ordinances that have changed since approval was obtained have to be done. The biggest issue is Storm Water Management. Solicitor Stone told Mr. Knabb that the requirements that the Borough has imposed on builders for Storm Water Management have to be adhered to. Mrs. Mulvena said that they would have to do additional Storm Water Management if they want to comply with the current Ordinance. Mrs. Mulvena also said that traffic has changed since the original plans and she would like to have a Traffic Study done. Mrs. Mulvena also said that any permits that expire by the end of February 2019 would have to be extended. There was also a question from Mrs. Mulvena about "Exhibit C" on the drawings. There was a problem with reading what was on the plan. Mrs. Mulvena said to make sure it would be covered. We need to be clear on what Exhibit C reads on the plan. Mr. Knabb stated that whatever is stated on the plan will be done.

Mrs. Mulvena told the Council members that they could give conditional approval if they comply to the current Ordinance about Storm Water Management, correct the plans regarding the wording on Exhibit C, to have a Traffic Study completed, to see about getting the permits extended if the work is not started by the end of February and upon the Fire Marshal's approval.

Solicitor Stone asked if there was anything about the previous approval of this site that prevented construction. He said that the five years could be extended if there was a delay in construction because of an injunction.

Mr. Knabb said that he is hoping to get approval for this site from Brookhaven Council by the next meeting. He said that they would meet all the codes.

Solicitor Stone said that the choice for Council is to either approve the plans with the conditions stated or approve the plans as submitted previously. Solicitor Stone said that we couldn't say No to the plans because they have already been approved and gone through the process but we can ask that they comply with any new Ordinance changes. In summary, Solicitor Stone said that Mr. Knabb is asking for an extension for the plan, and that Mr. Knabb is willing to meet all the conditions of Storm Water, Fire Marshall, Traffic Study and getting Exhibit C clarified to see what the Faith Community Church is entitled to. Solicitor Stone said that Mr. Knabb is asking for this to be done at the September 10<sup>th</sup> Council Meeting.

Ms. Sawicki asked what is going to happen when 84 homes are exiting between Kentucky Fried Chicken and the Church and Radio Park Lane. She feels the road is very narrow and the traffic is going to be emptying onto Edgmont Avenue by the Bank. Ms. Sawicki said that she would like to see the easements that the Church is giving to the builder. She said that we do not want this to change into the same situation that we have been dealing with regarding the Traditions complex. Solicitor Stone said that we couldn't go back in time and change something that was already approved. Mr. Donaway asked if there are plans to open up Radio Park Lane. Mr. Knabb said that the road does go out to Radio Park Lane. Mr. Donaway said that we could be putting an additional 160 cars on the road. Mrs. Mulvena said that the Traffic Study will be looking into this and will have the actual data about Edgmont Avenue. Ms. Sawicki asked if there could be a public hearing for the residents on Williamson and Radio Park Lane. Solicitor Stone said that the problem is that we do not have a time machine where we can go back and change what a previous Council already approved years ago. The only thing Council can do is to make sure that the new Ordinances are complied with. Solicitor Stone said that he understands the opposition to this but as a governing body, Brookhaven Council does not have the power to nix this project.

In conclusion, Mr. Donaway said that the Council members would take this under advisement and probably make a decision at the September 10<sup>th</sup> Council meeting.

#### PUBLIC DISCUSSION

There was none.

#### MAYOR'S REPORT

Mayor Hess reported that he received a letter today from the FOP that Chief McGoldrick would probably not be able to return to work because of disability.

We should have a doctor's letter sometime this week to confirm this. Mayor Hess said that if he is fully disabled, we will have to start the process of looking for a new Police Chief and that he will take the process nationwide.

Mayor Hess asked about the "ticket" we have been using for "Penalty For Parking In Fire Lane". The fine has changed from \$15, as noted on the present stickers, to "up to \$50". There was much discussion about what to do with the tickets, such as crossing out the line that states the fine is \$15, to getting new ones, to using the existing ones until we run out. We have about 600 of these unused "ticket envelopes". It was discussed that if the ticket states the fine is \$15, then legally we cannot make the offender pay \$50. After a lengthy discussion, it was decided that we would have new "ticket envelopes" printed with the correct amount of the fine on them.

Mayor Hess reported that we are still working on getting a left-hand signal from Edgmont Avenue onto Coebourn Blvd. Mayor Hess said that we have money left in the treasury and we should use it for this project. There was much discussion about where we can get the money for this. They cost \$8,000 to \$10,000 per light per PennDot estimates. Mrs. Mulvena said that we have to go for bid for this and then get approval from PennDot. Mrs. Mulvena said that we could use "liquid fuel" money for this and that we should go forward. Ms. Sawicki made a motion to talk to PennDot that we get whatever paper work is needed to get these lights and Mrs. Fooks made a second motion. The motion was carried unanimously.

Mayor Hess wanted to suggest that we purchase six or seven of the cameras that are being tested by our police. The cameras are worn on the police officer. Mayor Hess said that we have the money in the 2018 budget. Mr. Pappas, who was a former Brookhaven Police Officer, said that we should move forward with this. It is a benefit to have a police radio for all Police Force so they have it 24/7, but we only need six or seven cameras. The cameras would be left in the Police Department when the Officer is finished with his/her shift and we should have an extra camera in case one of the other cameras is not working properly or gets damaged. Everyone will have a camera when they are on duty. Mrs. Fooks asked about dash-cams; Mr. Heller said they are not nearly as effective. Mayor Hess said he did not know the price of the individual camera but to outfit the entire Police Force, it would cost about \$40,000. Some of the expense of these cameras is the Cloud Storage. We have asked the State Representatives if there is money for us to get these and we were told there is no more money for 2018. Mrs. Mulvena said to get quotes for the price of these cameras.

#### ENGINEER'S REPORT

Mrs. Mulvena reported that at the next meeting she will be asking for authorization to advertise for a part time plant operator on the PA Rural Water and Sewer website instead of using a contractor.

Mrs. Mulvena reported that we should hold off on paving the streets until we can televise the condition underneath since we have a lot of problem areas. She suggested that we do a patching operation instead of paving the whole street. We can only pave until October 31<sup>st</sup>. Mr. Donaway said that this is frustrating and we are getting behind on the paving. He wants to increase the paving of the roads for next year. Mrs. Mulvena proposed to Council to authorize a patching project of up to \$50,000 for patching from the General Fund. Ms. Sawicki made a motion and Mrs. Fooks made a second motion. The motion was carried unanimously. Mr. LaPera asked when the camera is coming. Mrs. Mulvena said soon.

Mrs. Mulvena said that we have completed inlet rehabs at four locations – Jackson, Shepherd, Trimble and Victor.

Mrs. Mulvena talked about Trash and Recycling. She received a letter from the trash hauler stating that we should sign papers stating that if contaminated recycling is collected at the curbside, they want Brookhaven Council to authorize them to take it to the contaminated trash site and we will be charged extra money for this. The contract that is currently written tells them to not pick up the trash. Mrs. Mulvena asked why would we pay the contractor extra money to take the contaminated trash. There will be a display at Family Day of all the items that are no longer acceptable for recycling. If there are contaminated items, it will not be picked up. Mrs. Mulvena said that they are saying there is no market for glass anymore but she will check into this. Mr. Donaway said that he was talking to someone from the Trash Hauler and he said that things would be changing next year. It is estimated that it will go up from \$30 per ton to \$60 per ton. It was asked how the resident will know why their trash was not picked up; Mrs. Mulvena said that when they call the Borough Office to let them know, then they will be told that they had contaminated trash in the basket.

Mrs. Mulvena said that at a MS4 Workshop, they were told that in the next permit cycle more reductions in sediment would be needed. If we meet the initial requirements of 10% reduction, there is going to be another required reduction.

Mr. Leslie asked about the house on Cooper Road that is having the water problem. Mrs. Mulvena said are asking a Geo Tech Company to come out to look at the problem. Mr. Leslie said that he saw a corrugated pipe on Hilltop property behind the property on Cooper and he asked if this could be causing the problem.

Mr. Ruggieri, from the audience, mentioned that at the last meeting a resident on Shepherd Street complained that she is having water come up through her basement. Mr. Ruggieri said that he noticed they removed a lot of trees behind her property for the new shopping center and he wondered if that could be contributing to the problem.

Solicitor Stone said that the resident was complaining about the neighbor's rain gutters and didn't link the problem to the shopping center development. It was noted that the resident said she was having water problems since she moved in and that had nothing to do with the shopping center.

#### SOLICITOR'S REPORT

Solicitor Stone reported that the Zoning Ordinance is scheduled for consideration for adoption at the September 10<sup>th</sup> Council meeting. There is a Public Hearing scheduled for 6:00 PM on September 10<sup>th</sup> for the conditional use application for the Freddy's Restaurant that will be located in the Lowe's Shopping Center. Solicitor Stone said that we have talked about amendments to the Ordinance regarding removal of snow on the sidewalks. We have to move forward with this and Solicitor Stone said that he is going to ask for a motion to adopt the Ordinance at the September 10<sup>th</sup> meeting. He will give a copy of the proposed Ordinance to the Council members before this meeting.

Mr. Donaway asked Solicitor Stone if we are going to be working on the Handbook at any time in the near future. Solicitor Stone said that the Handbook is put together and there are two separate proposals on how we handle employee benefits and we just need to know the consensus from Council as to how to approach that. From a legal standpoint, the Handbook is done, but the decision has to be made about what proposal to use. Mr. Donaway said that he would like to wrap this up at the next Council meeting.

#### FIRE CHIEF REPORT

Chief Montella had no report.

VICE PRESIDENT OF COUNCIL, CHAIR LONG RANGE AND COMPREHENSIVE PLANS, MEMBER GRANT COMMITTEE, LIAISON TO ZONING HEARING BOARD, LIAISON TO RECREATION COMMITTEE AND CHAIR INSPECTORS – Mr. LaPera reported CHAIR EMERGENCY MANAGEMENT ADMINISTRATION, CHAIR RECYCLING/TRASH COMMITTEE, CHAIR FIRE COMMITTEE, CHAIR VETERANS' COMMITTEE AND CHAIR POLICE COMMITTEE – MS. LESLIE  
Ms. Leslie had no report.

PRESIDENT PRO-TEM, CHAIR ARBOR/SHADE TREE COMMISSION, CHAIR FINANCE AND INSURANCE, COMMITTEE, MEMBER LONG RANGE DEVELOPMENT AND COMPRENSIVE PLANS, MEMBER FIRE COMMITTEE AND CHAIRMAN GRANT COMMITTEE – MS. SAWICKI

Ms. Sawicki that there will be a Bill List for the September 10<sup>th</sup> Council meeting. There will also be the Financial Requirement for Municipal Budget, which will be discussed at the September 10<sup>th</sup> Council meeting. Ms. Sawicki gave the Council members a packet with the information included.

Mayor Hess asked about the police cars going to the auto shops in Brookhaven. There was no vote taken at the previous meetings. Mr. Donaway said we are good with taking them on an annual rotation basis to the three auto shops in Brookhaven when repairs are needed beginning with AMF. Mr. Heller and Mr. Donaway will be monitoring the bills from this.

**CHAIR TECHNOLOGY AND COMMUNICATION COMMITTEE, CHAIR BOARD OF HEALTH, LIAISON TO CIVIL SERVICE COMMISSION, CHAIR HISTORICAL COMMITTEE AND MEMBER POLICE COMMITTEE – MR. HELLER**

Mr. Heller reported that the Technology Committee met on August 7<sup>th</sup>. We are recording the meeting this evening with a camera borrowed from the Penn Delco School Board and we are testing tonight. We will submit the test video to the Technology Committee for their review and if all goes well we will make a request to purchase a similar camera. Mr. Heller asked about a motion to add new members to the Technology Committee. Mayor Hess said we do not need a motion for this. Mr. Donaway suggested publishing all of the Technology Committee meetings so people will know when they are being held. Mr. Heller will purge the current list of Committee members he has now and at the next meeting we will add additional members. The Board of Health will meet on August 20 to talk about the Commercial Food Inspector. Mr. Heller thanked Mr. Bob Grant for cleaning up some of the problems we have had with Board of Health issues. The Historical Committee met on August 16 and talked about hanging the plaques we received from Coebourn School and putting them in the Borough Municipal Building. They also talked about the status of the Dutton Mansion and the possibility of acquiring it with grants and public donations.

**PLANNING COMMISSION LIAISON, CONDO ASSOCIATION CHAIR, MEMBER FIRE COMMITTEE AND MEMBER HISTORICAL COMMITTEE – MR. PAPPAS**

Mr. Pappas reported that the Planning Commission met on August 21<sup>st</sup> to discuss the approval of Brookhaven Estates, which was discussed here this evening. We also discussed the modification to Freddy's, which was discussed this evening.

**BUSINESS AND REVITALIZATION COORDINATOR, CHAIR ORDINANCE COMMITTEE, MEMBER CONDO ASSOCIATION, MEMBER LONG TERM AND COMPREHENSIVE PLANS, SCHOOL BOARD LIAISON, CHAIR TECHNOLOGY COMMITTEE, CHAIR GRANT COMMITTEE – MRS. FOOKS**

Mrs. Fooks reported that the Ordinance Committee met on August 16<sup>th</sup>. We discussed what we have on the books regarding Fireworks. We will be discussing the Fireworks Ordinance at the September meeting; we have been in touch with some other towns about their Fireworks Ordinance so we can pick and choose what we want to include in ours. Mrs. Fooks said she met with Glenn Holt and Bob Grant to discuss fire and building code updates. The next Ordinance meeting will be on September 20<sup>th</sup>.

Jim Cadden is working on an email subscription on the website and it will be noted in the newsletter so that all interested residents can go to the site and enter their email for future notification.

The Brookhaven Business & Community Association will meet on August 30<sup>th</sup>. Mrs. Fooks said that Chili's and Chick Fil A should open in early spring. Ms. Sawicki said that Chili's said they plan to open on Cinco De Mayo Day (May 5). Mrs. Fooks said she did some research about ordering Dog Cutouts to be used on Durkin Field to try to get rid of the geese. These cutouts have worked in other towns. The cost is \$115 for a packet of six or seven cutouts. Mrs. Fooks will order these and we will try this approach.

Ms. Sawicki asked if Mrs. Fooks has looked on the Pennsylvania Website to see rules about Fireworks. Mrs. Fooks said she has been contacting neighboring towns as to what they are doing and we are looking at their information.

VICE PRESIDENT OF COUNCIL, CAIR LONG RANGE AND COMPREHENSIVE PLANS, MEMBER GRANT COMMITTEE, LIAISON TO ZONING EARING BOARD, LIAISON TO RECREATION COMMITTEE AND CHAIR INSPECTORS -- MR. LA PERA

Mr. LaPera reported the next Recreation Board meeting will be September 27<sup>th</sup>. There was no Zoning meeting in August. Mr. LaPera and Mr. Heller met with someone from M2 Technology and we received two proposals for a camera for Samson Park. The camera at Eaton Park needs to be connected. The quote for the camera was \$910 which would include everything needed.

PRESIDENT OF COUNCIL, CHAIRMAN PUBLIC WORKS AND BUILDING, HOLIDAY PARADE LIAISON, MEMBER POLICE COMMITTEE -- MR. DONAWAY

Mr. Donaway reported that we had an Inspector's Meeting to see if everyone is on the same page about Chili's, Chick Fil A, Freddy's, new homes on W. Brookhaven Road and Brookhaven Estates. There had been some confusion regarding plans coming into the office and what Inspector the plans should go to. Ms. Sawicki suggested that someone from the office attend these meetings; the ladies have said they are confused about who receives the plans. Mr. Donaway said that he put out an email to everyone suggesting that the plans go to Mr. Bob Grant. Mr. Grant can look at them and determine who would get them.

Mr. Donaway said that he would like to go forward and keep some of the meetings to a reasonable length of time. He wants to get back to working things out and taking more of the public's opinion at the Workshops. He thinks the Workshops should go longer than Council meetings; Council meetings are actually business meetings.

Mr. Donaway said that if we do not need to make a motion at the Workshop, it should be done at the Council meeting. Mr. Donaway said that if Council cannot come to a conclusion about an item, then to move on and bring it up at the next meeting. We need to bring some decorum back to the meetings. Mr. Donaway said that we should keep to having two “Public Discussions” at the meetings.

There will be a joint fundraiser on Friday, October 12 for Brookhaven Town Watch and the Parade Committee. It will be a Designer Bag Bingo with a Twist. Tickets are \$25 in advance and \$30 at the door. The Parades cost between \$8,000 and \$10,000 so we need the money.

The Chester Water Authority will be flushing their lines from September 2<sup>nd</sup> to September 7<sup>th</sup> in the early morning. They are also upgrading their water main and making improvements.

We had a meeting with the Teamsters and will have another one in mid-September. Their goal is to have a contract in place by the end of the year, for the Public Works’ Employees.

The Employee Handbook should be finished by September.

#### INSPECTORS’ REPORTS

##### BOARD OF HEALTH – MR. BOB GRANT

There was no report.

##### FIRE MARSHAL – MR. LESLIE

Mr. Leslie asked how many years the contract will be with the Teamsters. Mr. Donaway said it has not been determined.

Mr. Leslie said that the Blueprints for work to be completed from Edgmont Avenue to Arlington Avenue got misplaced. Mr. Leslie had to be called to go down and measure how far apart the hydrants were since they did not have the plans. The Blueprints were found under a pile of papers in the office. Mr. Leslie said that none of the employees in the office should handle the Blueprints. They should go directly to the Inspector’s room to Mr. Bob Grant.

##### ZONING OFFICER – MR. HAMPTON

Mr. Hampton had no report.

##### PUBLIC DISCUSSION

There was no public discussion.

Ms. Leslie reminded the Council members that all input for the Newsletter is due on Monday evening, September 10<sup>th</sup>.

ADJOURNMENT

There was no other business to come before Council. Mr. LaPera made the motion and Mrs. Fooks made the second motion to adjourn. Motion carried by unanimous vote. The meeting was adjourned at 8:50 PM.

Respectfully Submitted,

Mrs. Joan Boyle  
Brookhaven Planning Commission Secretary  
(Substituting for Mrs. McKinley)